

Message Text

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SUBJECT: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF
MARIJUANA

REF: STATE 57902

1. POSSESSION OF MARIJUANA IS COVERED UNDER THE MISUSE OF DRUGS ACT, 1971. UNDER THIS ACT, PENALTIES FOR POSSESSION AND TRAFFICKING RANGE FROM A MINIMUM OF SIX MONTHS IMPRISONMENT OR 200-POUND FINE OR BOTH UP TO 14 YEARS OR AN INDETERMINATE FINE OR BOTH. THOUGH SEVERITY OF JUDGMENT VARIES THROUGHOUT THE COUNTRY, HOME OFFICE OFFICIALS POINT OUT THAT FIRST OFFENDERS ARE ALMOST NEVER IMPRISONED FOR POSSESSION OF SMALL AMOUNTS OF CANNIBIS. THEY ADD THAT DECRIMINALIZATION IS NOT POSSIBLE UNDER UK LAW BUT THAT WAY IN WHICH PENALTIES UNDER THE LAW ARE APPLIED MAY IN THE END HAVE THE SAME EFFECT. CONVICTION FIGURES FOR POSSESSION HAVE DROPPED STEADILY OVER THE PAST THREE YEARS. OWING TO THEIR LIMITED RESOURCES, DRUG SQUADS TEND TO DEVOTE MORE OF THEIR EFFORTS TO HARD DRUGS AND TRAFFICKING RATHER THAN ACTIVELY PURSUING SIMPLE POSSESSION CASES.

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2. THERE IS CONSIDERATION BEING GIVEN TO FURTHER LIBERALIZATION OF THE LAWS RELATING TO POSSESSION OF SMALL AMOUNTS OF CANNIBIS. THE HOUSE OF LORDS, FOR EXAMPLE, HAS JUST TURNED DOWN BY A NARROW MARGIN AN AMENDMENT TO THE CRIMINAL LAW BILL WHICH WOULD HAVE REMOVED THE POSSIBILITY OF IMPRISONMENT BEING IMPOSED BY A COURT OF SUMMARY JURISDICTION ON CONVICTION OF UNLAWFUL POSSESSION

OF CANNIBIS OR CANNIBIS RESIN. THE AMENDMENT WAS INTRODUCED AS PART OF GENERAL ATTEMPT BY HOME OFFICE AND THE COURTS TO CLEAR UP CONFUSION AND UNCERTAINTY OVER CANNIBIS IN THE MISUSE OF DRUGS ACT.

3. IN JANUARY THE COURT OF APPEALS RULED THAT POSSESSION OF THE LEAF AND STALK OF THE CANNIBIS PLANT WAS NOT ILLEGAL ALTHOUGH THEY CONTAINED THE ACTIVE INGREDIENTS OF CANNIBIS AND THE CANNIBANAL DERIVATIVE THC. THIS LEFT THE POLICE WITH THE POSSIBILITY OF PROSECUTING FOR POSSESSION OF THE DERIVATIVE WHICH CARRIES STIFFER PENALTIES. THE POLICE HAVE SUCCESSFULLY PROSECUTED IN THIS MANNER AND RESULT IS TO BE TESTED BY THE COURT OF APPEALS IN THE NEAR FUTURE. THE HOME OFFICE EXPECTS THAT EVENTUALLY THE APPEAL WILL GO TO THE HOUSE OF LORDS. IF POSSESSION OF THE LEAF AND STALK REMAINS LEGAL, THEN THE HOME OFFICE WILL HAVE TO CONSIDER CHANGING THE ACT TO CLARIFY THE DEFINITION OF CANNIBIS. FINALLY, A WORKING PARTY OF THE STANDING ADVISORY COUNCIL ON DRUG ADDICTION HAS "TENTATIVELY SUGGESTED" THAT FIRST OFFENDERS FOR POSSESSION SHOULD NOT BE IMPRISONED.

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